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 6  
 7 IN THE UNITED STATES DISTRICT COURT  
 8  
 9 FOR THE DISTRICT OF ALASKA

10 KIMBERLY ALLEN, Personal )  
 Representative of the Estate of TODD ) Case No. 3:04-CV-0131-JKS  
 11 ALLEN, Individually, on behalf of )  
 the Estate of TODD ALLEN, and on ) **NON-OPPOSITION TO UNITED STATES'**  
 behalf of the Minor Child, PRESLEY ) **MOTION ON SHORTENED TIME AND**  
 12 GRACE ALLEN, ) **OPPOSITION TO UNITED STATES'**  
 ) **MOTION FOR A CONTINUANCE OF**  
 ) **ORAL ARGUMENT ON DAMAGES**

13 Plaintiff,

)

14 vs.

)

15 UNITED STATES OF AMERICA,

)

16 Defendant.

)

17  
 18 Counsel for plaintiff non-opposes the United States' Motion on Shortened Time but  
 opposes its Motion for a Continuance of Oral Argument on Damages.  
 19  
 20

PLAINTIFF'S NON-OPPOSITION TO UNITED STATES'  
 MOTION ON SHORTENED TIME AND OPPOSITION TO THE  
 UNITED STATES' MOTION FOR A CONTINUATION OF ORAL  
 ARGUMENT ON DAMAGES

*Allen v. USA*, Case No. 3:04-CV-0131-JKS

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1 Counsel objects based on the understanding that if there is a delay, it would be at least a  
 2 one month delay. On that basis, counsel for plaintiff objects to continuing the hearing.  
 3 Counsel is prepared to argue the non-economic damages issue on August 30, 2007.

4 If the hearing cannot be held on August 30, the undersigned suggests that the Court  
 5 decide the non-economic damages issue based on *existing* briefing. Counsel does object to  
 6 additional briefing.

7 **FRIEDMAN RUBIN & WHITE**  
 Counsel for Plaintiffs

8  
 9 By: /s/ Donna J. McCready

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 13 Alaska Bar No. 9101003

14 **CERTIFICATE OF SERVICE**

15 I certify that on the 29 August 2007, a copy of the foregoing was served electronically on:

16 Gary M. Guarino  
 Assistant U.S. Attorney  
 17 Office of the U. S. Attorney  
 222 W. 7<sup>th</sup> Ave., #9  
 Anchorage, AK 99513-7567

18 /s/ Donna J. McCready

19 W:\Allen v. USA\PLED\Opp to USA's Motion to Continue OA on Damages (070829).doc

20 PLAINTIFF'S NON-OPPOSITION TO UNITED STATES'  
 MOTION ON SHORTENED TIME AND OPPOSITION TO THE  
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